

3.8. Dept. of Toxic Substances



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Arnold Schwarzenegger
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January 13, 2005

Ms. Sarah Mongano
California State Lands Commission
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DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE EL PASO LINE 1903 PIPELINE CONVERSION PROJECT (SCH#2002101069)

Dear Ms. Mongano:

The Department of Toxic Substances Control (DTSC) has received your submitted Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "Conversion of 304 miles of Line 1903, an existing crude oil pipeline, to natural gas service in a small portion of La Paz County, Arizona and Kern, Riverside, and San Bernardino Counties, California. A 6.4-mile expansion of the pipeline system at the Cadiz Pump Station is also proposed in San Bernardino County." DTSC's November 19, 2002 comments are applicable to this Project and are restated in this letter. Based on the review of the submitted document DTSC has comments as follow:

H-1

- 1) The EIR should identify current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances.
- 2) The EIR should identify the known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

H-2

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.

Response:

H-1 Review of records from the installation of the All American Pipeline were reviewed, and field observations were made along the pipeline ROW to identify current or potential historic uses of the Project site that may have resulted in a release of hazardous wastes/substances. The proposed Project area is predominantly undeveloped rangeland with no historical developments of manufacturing or industrial facilities. The pipeline has been, and continues to be, the only source of potential contamination in the proposed Project area (See page 4-179 to 4-180 of DEIR/EA).

H-2 Given the field observations discussed in H-1 it was determined that extensive database searches of the Project area were unnecessary. However, maintenance logs of the All American Pipeline were reviewed to determine historic spill areas. During operation as an oil pipeline, several known releases led to soil contamination. EPNG has developed a Contaminated Soils Plan (Appendix D9) for implementation during construction activities. The plan describes testing requirements, significance criteria, and remediation methods to be applied in the event that oil-contaminated soil is encountered. Implementation of this plan would reduce the impact of exposure to contaminated soils to a less-than-significant level. This information is provided in Section 4.6.4 of the DEIR/EA.

Comments

3.8. Dept. of Toxic Substances

Ms. Sarah Mongano January 13, 2004 Page 2

- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA;
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUOS).

H-3 3) The EIR identifies the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored and used at the site, a Site Assessment could determine if a release had occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations and policies.

H-4 4) All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results for each hazardous contaminant should be clearly summarized in a table in the EIR.

3.8 Dept. of Toxic Substances (continued)

H-3 See Response H-2.

H-4 This matter is addressed in Section 4.6 Hazards and Public Safety, and the Contaminated Soils Management Plan provided in Appendix D9 of the DEIR/EA. With the exception of the 3.8 Dept. of Toxic Substances pipeline, there are no areas of concern observed for releases of hazardous materials. As such, no pre-construction Phase II site assessments were performed. If contaminated or potentially contaminated soils are discovered during the Project construction activities, the Contaminated Soils Management Plan will be activated. Should unforeseen contaminated wastes be encountered, they will be managed in accordance with the California Hazardous Waste Control Law and the Hazardous Waste Control Regulations.

- H-5 5) Proper investigation, sampling and remedial actions overseen by a regulatory agency, if necessary, should be conducted at the site prior to the new development or any construction.
- H-6 6) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property
- H-7 7) If building structures, asphalt or concrete-paved surface areas or other structures were being planned to be demolished, an investigation would be conducted for the presence of lead-based paints or products, mercury, and asbestos containing materials (ACMs). Your document states that if lead-based paints or products, mercury or ACMs were identified, proper precautions would be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- H-8 8) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- H-9 9) Your document states that human health and the environment of sensitive receptors would be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. Your document states: "Implementation of measures in the SPCC Plan and Contaminated soils Plan prepared by EPNG would reduce any potential impacts associated with contaminated soils to less-than-significant levels."
- H-10 10) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).

3.8 Dept. of Toxic Substances (continued)

H-5 See Response H-4.

H-6 See Response H-1. No border zone property issues were noted.

H-7 No such structures are planned for demolition.

H-8 See Response H-4.

H-9 Comment noted.

H-10 Comment noted. Also see Response H-4.

Comments

3.8. Dept. of Toxic Substances

Ms. Sarah Mongano January13, 2004 Page 4

- H-11 11) If it is determined that hazardous wastes are or will be generated and the wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility.
- H-12 12) If it is determined that hazardous wastes will be generated, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
- H-13 13) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- H-14 14) If the project plans include discharging wastewater to storm drain, you may be required to obtain a wastewater discharge permit from the overseeing Regional Water Quality Control Board.
- H-15 15) If during construction/demolition of the project, if soil and/or groundwater contamination is suspected, construction/demolition in the area would cease and appropriate health and safety procedures should be implemented.
- H-16 16) Your document states: "Cultivated cropland in the construction ROW of the Project could be disturbed by construction activities." If the site was used for agricultural activities onsite soils might contain pesticides, and agricultural chemical residue. If part of the site was used for dairy and stable industry operations, activities at the site may have contributed to other soil and groundwater contamination. Methane testing may also be necessary. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project. DTSC provides guidance for cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at [www .dtsc.ca.gov](http://www.dtsc.ca.gov) .

3.8 Dept. of Toxic Substances (continued)

- H-11 Thank you for the resource information. Comment noted.
- H-12 See Response H-11.
- H-13 Comment noted.
- H-14 EPNG will submit a Storm Water Pollution Prevention Plan (SWPPP) and a Storm Water Management Plan (SWMP) to Lahontan RWQCB (See Appendix D3 and page 4-144 of the Draft EIR/EA).
- H-15 See Response H-4.
- H-16 Comment noted.

Comments

3.8. Dept. of Toxic Substances

Ms. Sarah Mongano January 13, 2004 Page 5

If you have any questions regarding this letter, please contact Ms. Teresa Hom, Project Manager, at (714) 484-5477 or email at thom@dtsc.ca.gov.

Sincerely,

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cc:

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